UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,593	07/25/2003	Hisashi Nakagomi	240688US90	9768

			EXAMINER
22850	7590	11/25/2005	FERGUSON, KEITH

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ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/626,593	NAKAGOMI, HISASHI
	Examiner	Art Unit
	Keith T. Ferguson	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 September 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-6 have been

considered but are moot in view of the new ground(s) of

rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rydbeck et al. in view of Jones et al., newly

recited reference.

Regarding claim 1, Rydbeck et al. discloses a mobile
telephone (communication terminal) (fig. 1 number 100) capable
of utilizing plurality of radio communication services
respectively provided by a plurality of radio communication
systems establishing shared radio communication system (col. 1
line 61 through col. 2 line 6 and col. 2 lines 35-66),
comprising: hardware processing (controller)(160) for performing
common hardware processing necessary for utilizing the radio
communication services (col. 2 lines 35-66 and col. 3 line 12
through col. 4 line 63); an communication module (IC card) that
stores a plurality of communication software packages necessary
for the respective radio communication services (col. 2 lines

35-66 and col. 3 line 5 through col. 4 line 63); software
selection unit that selects one communication software package
out of the communication software packages stored in the IC card
(col. 3 lines 5-48), which one corresponds a communication and
software executing unit that executes the selected communication
software package (col. 3 lines 5-48). Rydbeck et al. differs
from claim 1 of the present invention in that it does not
disclose one of said communication software packages enables
said communications terminal to identify a radio signal having
the maximum reception strength and to specify a communication
service provided by the communication system corresponding to
the maximum reception radio signal. Jones et al. teaches a
mobile station (fig. 3) comprising a programmable software
arbitration module (communication software package)(fig. 3
number 304 and col. 11 line 54 through col. 12 line 16) to
identify a radio signal greater than a received signal strength
threshold for switching between a public system (CDMA) which
provides public CDMA service and a private system (802.11
signal) which provides (802.11) service col. 12 lines (col. 11
line 54 through col. 12 line 16, col. 23 lines 8-35 and col. 24
line 66 through col. 25 line 53). Therefore, it would have been
obvious to one of ordinary skill in the art at the time the
invention was made to modify Rydbeck et al. communication module
with one of said communication software packages enables said
communications terminal to identify a radio signal having the
maximum reception strength and to specify a communication
service provided by the communication system corresponding to
the maximum reception radio signal in order for the mobile
telephone to identify the network with the strongest signal
which provides network services needed when selecting a network
for handing off, as taught by Jones et al..

Regarding claim 2, Rydbeck et al. discloses the

communication module comprises protocol information related to

each network (software program relating signal

Transmission/reception, a software program relating signal

modulation/demodulation and software program relating to

application)(col. 1 line 60 through col. 2 line 6, col. 2 lines
44-55 and col. 3 line 5 through col. 4 line 31).

Regarding claim 3, Rydbeck et al. discloses a software
acquisition that acquires another communication software package
stored server (personal computer) provided in the shared
communication system (col. 3 line 35 through col. 4 line 32).

Regarding claim 4, Rydbeck et al. discloses a controller
and sensor (software reading unit) that reads the selected one
of the communication software packages stored in the module
which selected one corresponds to communication to the
communication service to be utilized (col. 4 lines 33-63).

4.   Claim 5 is rejected under 35 U.S.C. 103(a) as being
unpatentable over Korpela in view of Jones et al., newly recited
reference.

Regarding claim 5, Korpela discloses a base station
(software transmitting server) (fig. 3), comprising: a store
(26) (software storing) unit that stores plurality of protocol
descriptions (communication software packages) respectively
necessary for utilizing a plurality of communication services
respectively provided by plurality radio communication systems
(col. 4 line 14 through col. 5 line 8); and a software
transmitting unit downloads (transmits) the stored communication
software packages to a communication terminal (col. 6 line 8
through col. 7 line 3). Korpela differs from claim 5 of the
present invention in that it does not disclose one of said

communication software packages enables said communications
terminal to identify a radio signal having the maximum reception
strength and to specify a communication service provided by the
communication system corresponding to the maximum reception
radio signal. Jones et al. teaches access system (fig. 1 number
112) which downloads a software arbitration module
(communication software package) into a mobile station (fig. 3
number 304 and col. 11 line 54 through col. 12 line 16) which
identifies a radio signal greater than a received signal
strength threshold for the mobile station to switch between a
public system (CDMA) which provides public (CDMA) service and a
private system (802.11 signal) which provides private (802.11)
service (col. 11 line 54 through col. 12 line 16, col. 23 lines
8-35 and col. 24 line 66 through col. 25 line 53). Therefore,
it would have been obvious to one of ordinary skill in the art
at the time the invention was made to modify Korpela stored
software with one of said communication software packages which
enables said communications terminal to identify a radio signal
having the maximum reception strength and to specify a
communication service provided by the communication system
corresponding to the maximum reception radio signal in order for
the base station download a software package for the mobile
telephone to identify the network with the strongest signal
which provides network services needed when selecting a network
for handing off, as taught by Jones et al..

5.   Claim 6 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Korpela in view of Rydbeck et al. and Jones et

al, newly recited reference.

    Regarding claim 6, Korpela discloses an card writing (fig.
3) apparatus, comprising: a store (software storing unit) (fig.
3 number 26 and col. 4 lines 14-67) that stores a plurality of
communication software packages respectively necessary for
utilizing a plurality of communication services respectively
provided by a plurality of radio communication systems (col. 4
lines 57-67); and a software transmitting unit that transmits
the stored communication software packages to a memory (IC card
within a mobile (communication) terminal (col. 6 lines 7-46).
Korpela differs from claim 6 of the present invention in that it
does not explicit disclose an IC card to be attached to a
communication terminal and with one of said communication

software packages which enables said communications terminal to
identify a radio signal having the maximum reception strength
and to specify a communication service provided by the
communication system corresponding to the maximum reception
radio signal. Rydbeck et al. teaches an mobile telephone having
an attachable/detachable communication module (120) that stores
protocol information for multiple wireless networks (col. 3 line
5 line 4 through col. 4 line 33). Jones et al. teaches a mobile
station (fig. 3) comprising a programmable software arbitration
module (communication software package)(fig. 3 number 304 and
col. 11 line 54 through col. 12 line 16) to identify a radio
signal greater than a received signal strength threshold for
switching between a public system (CDMA) which provides public
CDMA service and a private system (802.11 signal) which provides
(802.11) service col. 12 lines (col. 11 line 54 through col. 12
line 16, col. 23 lines 8-35 and col. 24 line 66 through col. 25
line 53). Therefore, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to
modify Korpela with an IC card to be attached to a communication
terminal and with one of said communication software packages
which enables said communications terminal to identify a radio
signal having the maximum reception strength and to specify a
communication service provided by the communication system
corresponding to the maximum reception radio signal in order for
the base station to download a network protocol to the mobile
terminal memory that can be detached and attached and be used
when needed based upon the received signal strength and network
services provided, as taught by Rydbeck et al. and Jones et al..

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of
rejection presented in this Office action. Accordingly, **THIS
ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this

action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Keith T.

Ferguson whose telephone number is (571) 272-7865. The examiner

can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, William Trost can be

reached on (571) 272-7872. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system. Status information for published applications
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see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
November 21, 2005

KEITH FERGUSON
PRIMARY EXAMINER